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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,369	12/04/2003	Wade C. Patterson	8223	6976

22922 7590 04/19/2005

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EXAMINER

TSIDULKO, MARK

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/727,369	Applicant(s) PATTERSON, WADE C.	
	Examiner Mark Tsidulko	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-15, 18-21 and 24-28 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 16, 17, 22 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The Abstract of the disclosure is objected to because of using claim language:

“**comprises**” should be changed to “**has**”.

Claim Objections

Claims 3, 5, 15,16 are objected to because of the following informalities:

Referring to Claims 3, 15 a phrase “...the faucet attached to the light source” should be changed to “the light source attached to the faucet”.

Referring to Claims 5, 16, 22 a phrase “...a bubbler attached to the light source” should be changed to “the light source attached to the bubbler”.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Schindler et al.

(US 6,805,458).

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Referring to Claims 1-4 Schindler et al. disclose (Fig.1) a liquid dispensing system having a liquid dispensing device [10], a faucet [16] mounted over sink [14], a light source (LED) [42] attached to the faucet [16] and arranged such that to illuminate a surface of the sink.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 11, 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schindler et al. (US 6,805,458) in view of Tanner et al. (US 5,217,296).

Referring to Claims 7, 11 Schindler et al. disclose (Fig.1) a light sensor (photodiode) [48] to control the operation of LED [42], but do not disclose an infrared sensor.

It is understood that any type of the sensors well known in the art may be used for activating the light source.

Tanner et al. disclose (Fig.1) an infrared sensor [12] which automatically activates a light source upon sensing an infrared radiation such as that emitting from the human beings (col.3, lines 25-30). Using this type of sensor allows to eliminate necessity to use ambient light, which can for some reason come below threshold intensity and activate the light when a liquid dispensing device is not in use.

Referring to Claims 13-15 Schindler et al. disclose (Fig.1) a light source (LED) [42] attached to the faucet [16] mounted over sink [14].

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It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the infrared sensor of Tanner et al. for the device of Schindler et al. as more efficient sensor for light activation.

Claims 8, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schindler et al. and Tanner et al. as applied to claim 7 above, and further in view of Cretu-Petra (US RE37,888).

Schindler et al. discloses the instant claimed invention except for liquid dispensing based on the infrared sensor.

Cretu-Petra discloses a water faucet with touchless controls having logic (microcomputer) used the information from an infrared sensor (col.5, lines 14-20) for the liquid dispensing (Abstract).

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the logic of Cretu-Petra for the device of Schindler et al. in order to control the liquid dispensing.

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schindler et al. (US 6,805,458) in view of Cretu-Petra (US RE37,888).

Referring to Claim 9 Schindler et al. disclose (Fig.1) a light sensor (photodiode) [48] to control the operation of LED [42]. The sensor [48] produces a signal related to the intensity of the ambient light, but do not disclose a sensor detected when the object is within a specified range from the sensor.

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Cretu-Petra discloses (Abstract) a sensor provided signal activated water flow depends on the distance of the object from the proximity sensor. It is understood that the sensor, as a switch, can be used for activation any desired function, including activation the light source.

Referring to Claim 10 Schindler et al. discloses the instant claimed invention except for liquid dispensing based on the infrared sensor.

Cretu-Petra discloses a water faucet with touchless controls having logic (microcomputer) used the information from an infrared sensor (col.5, lines 14-20) for the liquid dispensing (Abstract).

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the logic of Cretu-Petra for the device of Schindler et al. in order to activate the light source and to control the liquid dispensing.

Claims 18-21, 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schindler et al., Tanner et al. and Cretu-Petra. These references in a combination disclose structure of the device but do not disclose a method for use with the system. It would have been obvious to one having ordinary skill in the art, at the time the invention was made to take the steps of apparatus above and provide a method for use with the system since a prior art of record teaches or suggests a means of liquid dispensing system:

- dispensing liquid from a liquid dispensing device;
- illuminating an area in close proximity to the liquid dispensing device via a LED light source attached to the faucet mounting over the sink;
- illuminating a surface of the sink with light emitted by the light source;

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- controlling a liquid dispensing device;
- detecting when an object is within a specified range of the liquid dispensing device;
- activating a light source base on the detecting step;
- illuminating the device with the light source wherein the detecting step is based on an infrared sensor.

Allowable Subject Matter

Claims 5, 6, 16, 17, 22, 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

Referring to Claims 5, 16, 22 the prior art of record fails to show a liquid dispensing device having bubbler and a light source attached to the bubbler.

Claim 6 is objected as claim depended on claim 5.

Claim 17 is objected as claim depended on claim 16.

Claim 23 is objected as claim depended on claim 22.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (571)272-2384. The examiner can normally be reached on 8 - 5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.T.
February 3, 2005



JOHN ANTHONY WARD
PRIMARY EXAMINER